

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10317-RCL
)
 ANDREW LEWIS)

ASSENTED-TO PRETRIAL CONFERENCE STATUS REPORT

Defendant, Andrew Lewis, respectfully submits this Status Report in anticipation of the trial assignment conference scheduled for August 23, 2005. Defendant requests that the Court:

1. Set a briefing schedule for the filing of a Motion to Suppress Statements and Physical Evidence, whereby the defendant would file the Motions by September 6, 2005 with the government's response due by September 26, 2005;

2. Schedule an evidentiary hearing on the Motions for a time convenient to the Court in early or mid-October;

3. Defer the scheduling of a trial date, if necessary, until the conclusion of the evidentiary hearing or, alternatively, schedule the trial no earlier than early December.

As explanation for this schedule, defendant through counsel states the following:

1. The Court appointed the Federal Defender Office to represent the defendant. The case was assigned to the undersigned.
2. Counsel, while the case was before the Magistrate Judge, indicated that a Motion to Suppress Statements

and Physical Evidence would be filed. Counsel requested and was granted a number of extensions of time in which to file the Motions. Notwithstanding these extensions, counsel not yet been able to file the Motion.

3. Filing of the Motion has been delayed as counsel's attention has been distracted by a number of other matters. For example, in the past few months counsel has received a number of reassignments to the made necessary by chronic understaffing in the Federal Defender Office. This understaffing was created by the departure, in rapid succession, of former Federal Defender Owen Walker and former Assistant Federal Defender Leo Sorokin as well as caseload realignments in the office.
4. Moreover, on August 3, 2005, counsel's elderly parents were involved in a single-car accident in Southboro, MA. Counsel's father's injuries, in conjunction with his advanced age, resulted in his admission to the intensive care unit at Beth Israel - Deaconess Hospital and was just recently moved to a rehabilitation hospital. Counsel has taken several days off in the course of the last ten days in order to attend to medical decisions in regard to his care.
5. The Federal Defender Office, in its effort to cure the understaffing crisis, has recently hired two additional Assistant Federal Defenders. One of the two newly hired attorneys has been sworn in. The other, Stellio Sinnis, Esq., is to be sworn in and begin working on September 6, 2005. The new arrivals to the office are expected to ease the remaining Assistant Federal Defenders' caseloads significantly.
6. Substantial factual and legal research has been conducted and the Motion has been drafted. Counsel believes that a filing date of August 30, 2005, one week from this date, is a realistic one that can be met.
7. The government assents to the suggested schedule.

ANDREW LEWIS
By his attorney,

/s/ Timothy G. Watkins
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